

THOMAS E. FRANKOVICH (State Bar #074414)  
 THOMAS E. FRANKOVICH  
 GEORGE S. KHOURY (State Bar #074414)  
**A PROFESSIONAL LAW CORPORATION**  
 4328 Redwood Hwy., Suite 300  
 San Rafael, CA 94903  
 Telephone: 415/444-5800  
 Facsimile: 415/444-5805  
 Email: [tfrankovich@disabilitieslaw.com](mailto:tfrankovich@disabilitieslaw.com)

Attorney for Plaintiff CRAIG YATES

UNITED STATES DISTRICT COURT  
 DISTRICT OF CALIFORNIA

CRAIG YATES,

Plaintiff,

v.

100 % SWEET CAFÉ; JAMES MO-TAI  
 CHAN and WENDY WAN-LI CHEN,  
 TRUSTEES OF THE CHAN/CHEN  
 FAMILY TRUST, U.D.T.; and DENISE O.  
 W. LU, an individual d.b.a. 100% SWEET  
 CAFÉ,

Defendants.

**CASE NO. CV-12-5993-EMC**

**STIPULATION OF DISMISSAL AND  
 [PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

///

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action become and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

Dated: July 26, 2013

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

By: /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
Attorneys for CRAIG YATES

Dated: July 28, 2013

LAW OFFICES OF JEFFREY A. CHEN

By: /s/ Jeffery A. Chen  
Jeffrey A. Chen

Attorney for Defendants JAMES MO-TAI CHAN  
and WENDY WAN-LI CHEN, TRUSTEES OF  
THE CHAN/CHEN FAMILY TRUST, U.D.T.; and  
DENISE O. W. LU, an individual d.b.a. 100%  
SWEET CAFÉ,

**ORDER**

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary

Dated: 7/30, 2013

Honorable Magistrate Edw  
UNITED STATES DISTRICT

